IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23305 of 2004

Between:

G.Pentaiah, s/o Chandraiah,
r/o Kankal Village, Paduru Mandal, R.R.District.

..... PETITIONER

AND

1 The Proh. & Excise Superintendent, R.R.District, Abkari Bhavan at

Nampally, Hyderabad.
2 The Commissioner of Proh. & Excise, Abkari Bhavan at Nampally,

Hyderabad.
3 Goundla Narayana @ Eadgi Narayana, s/o Balshetti,
Photo Identity Card No.AP 282030066616 R/o Kadmoor Village,

Paduru (M), R.R.District.
4 Goundla Rajender @ Eadgi Rajender, s/o Narayana,
Photo Identity card No.JXJ 2885598 r/o Kadmoor Village, Paduru

(M), R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents No.1 & 2, in not granting and issuing the TFT licence in favour of the petitioner in 'Kankal' village, Padur (M) R.R.Dist. and proposing to grant TFT licence in favour of the respondents No.3 & 4 who are permanent residents of Kadmoor Village as arbitrary, illegal and violative of Article 14 and 21 of the Constitution of India, and Excise policy guidelines and consequently direct the 1st respondent to grant and issue TFT licence in favour of the petitioner at 'Kankal' village, Pudur (M), R.R.District.

Counsel for the Petitioner: MR.ANDERAVI KUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent Nos.3 & 4: None appeared

The Court at the stage of admission made the following ORDER:

The petitioner claims to be the existing T.F.T. licencee of Kankal village, Padur Mandal, Ranga Reddy District. According to him, respondents 3 and 4 have applied to the first respondent for grant of T.F.T. licences, though they are not residents of the village and do not hold the requisite qualifications. He claims to have submitted representations dated 20-11-2004 and 22-11-2004 to the respondents 1 and 2, opposing grant of licences to respondents 3 and 4. Apprehending that the objections may not be considered, he has filed this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

The grant of T.F.T. licences to eligible persons is governed by the Andhra Pradesh Excise Act and the Rules made thereunder. The Government also issues policy dealing with this aspect, year after year. The question as to whether respondents 3 and 4 fulfill the qualifications for being granted T.F.T. licences, cannot be decided by this Court, at this stage. It is for respondents 1 and 2 to consider the same. The petitioner is said to have been made a representation raising objections to the applications, said to have been made by respondents 3 and 4.

Hence, the writ petition is disposed of directing that respondents 1 and 2 shall take into account the representations dated 20-11-2004 and 22-11-2004 said to have been made by the petitioner while considering the applications of respondents 3 and 4 for grant of T.F.T. licence. To avoid further complications, it is directed that the petitioner shall enclose copies of representations to the copy of the order in this writ petition. No order as to costs.

15-12-2004

Note: Issue C.C. by three days

(B/o)

kdl

To

1 The Proh. & Excise Superintendent, R.R.District, Abkari Bhavan at Nampally, Hyderabad.
2 The Commissioner of Proh. & Excise, Abkari Bhavan at Nampally, Hyderabad.
3 Two CCs to the Government Pleader for Prohibition & Excise, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.